

NOV 15 1950

UNITED STATES DEPARTMENT OF AGRICULTURE

PRODUCTION AND MARKETING ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

1-25

The notices of judgment herewith relate to cases instituted in the United States courts and are approved for publication, as provided in section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U. S. C. 1946 ed. Supp. 111, 135-135k).

H. E. REED,
*Director of the Livestock Branch,
Production and Marketing Administration.*

WASHINGTON, D. C., July 26, 1950.

1. **Misbranding of "Velo Brand Rat Paste."** U. S. v. 270 two-ounce containers, more or less, of "Velo Brand Rat Paste." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 1. I. D. Nos. 17519 and 17417.)

An examination of two samples of "Velo Brand Rat Paste" showed an average net weight shortage of 12.5 percent below the net weight claimed on the labeling of the product.

On December 20, 1948, the United States Attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 270 two-ounce containers, more or less, of "Velo Brand Rat Paste" at Baltimore, Md., and alleging that the product was an economic poison which had been transported interstate on or about July 16, 1948, by the Velodent Products Manufacturing Co., Inc., from New York, N. Y., in violation of the Federal Insecticide, Fungicide, and Rodenticide Act.

The product was alleged to be misbranded in that the statement, "Net Weight 2 Ozs." borne on the labels affixed to the packages of the product, was false and misleading and served to deceive and mislead purchasers, since the statement represented that the net weight of the packages was not less than 2 ounces, whereas the net weight of the packages was less than 2 ounces.

On February 24, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

2. **Lack of registration and required information on label and misbranding of "Pilgrim Odo-Wick."** U. S. v. 60 bottles, more or less, of "Pilgrim Odo-Wick." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 2. I. D. No. 17587.)

The product, "Pilgrim Odo-Wick," was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and an examination of the product showed that the labels on the containers of the product did not bear a statement of the net weight or measure of the contents of the containers and an ingredient statement as required by the act. An analysis of the product showed that it consisted of water, formaldehyde, a glycol derivative, and green coloring matter.

On March 2, 1949, the United States Attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 60 bottles, more or less, of "Pilgrim Odo-Wick" at Providence, R. I., and alleging that the product was an economic poison which had been transported interstate on or about November 12, 1948, by the Pilgrim Odo-Wick Co., from Boston, Mass., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product failed to comply with the provisions of section 3 of the act in that the labels affixed to the bottles containing the product did not bear a statement of the net weight or measure of the contents of the bottles.

It was alleged that the product was misbranded in that the labels affixed to the bottles containing the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients.

It was alleged that the product was further misbranded in that the statements: "PILGRIM ODO-WICK * * * KILL GERMS IN THE AIR THAT CAUSE RESPIRATORY COLDS * * * ODO-WICK is so easy to use . . . Unscrew cap and pull out wick from one to three inches. Odo-Wick will vaporize in the air banishing all unpleasant odors. It's that easy . . . nothing to spray . . . nothing to burn. Absolutely safe," borne on the labels of the product, were false and misleading and served to deceive and mislead, since the statements represented that the product when used as directed would kill germs in the air that cause respiratory colds, whereas the product when used as directed would not kill such germs.

On May 10, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

3. Lack of registration and misbranding of "Insecticided Bycolife Fertilizer."
U. S. v. 23 two-pound cartons, 31 five-pound cartons, 35 ten-pound cartons, 6 twenty-five-pound bags, and 2 one hundred-pound bags, more or less, of "Insecticided Bycolife Fertilizer." Consent decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 6. I. D. No. 17451.)

The product "Insecticided Bycolife Fertilizer" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and an examination of the product showed that the labels on the containers of the product did not bear an ingredient statement as required by the act. An analysis of the product showed that it was a commercial fertilizer and that no insecticidal ingredients were present.

On April 22, 1949, the United States Attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 23 two-pound cartons, 31 five-pound cartons, 35 ten-pound cartons, 6 twenty-five-pound bags, and 2 one hundred-pound bags, more or less, of "Insecticided Bycolife Fertilizer," at Charlotte, N. C., and alleging that the product was an economic poison which had been transported interstate on or about March 3, 1949, by Bycolife Fertilizer Manufacturing Co., from Clinton, S. C., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded in that the labels affixed to the cartons and bags containing the product did not bear an ingredient statement as required by the act.

It was further alleged that the product was misbranded in that the statements:

(1) "INSECTICIDED BYCOLIFE FERTILIZER FOR: VEGETABLES FLOWERS SHRUBS TREES ROSES * * * THE COMPLETELY VITAMINIZED INSECTICIDED PLANT FOOD Tested Many Years for White Blooded Insects * * * Follow These Directions: VEGETABLES: Beans, Tomatoes, Potatoes, Cabbage or any other vegetable, use as you would an ordinary fertilizer. They may be side dressed if necessary or in case plants are already up. SHRUBBERY: Pull soil away from plant all around one to three inches deep. Use Bycolife according to size of plant. Cover with soil and water. ROSES: Same as shrubbery. POT PLANTS: Run a ring around the plant near the edge of the pot, apply sparingly, cover with soil and water. TREES: Affected with borers, caterpillars or other insects work Bycolife into soil under full spread of branches beyond two feet from tree trunk. Be sure to work so that Bycolife will get to the feed-roots and not wash away. * * * Always apply enough to thoroughly fertilize your plants. Follow with another application if necessary. BYCOLIFE A Complete Insecticide—Vitaminized—Non-Burning and Non-Poisonous Plant Food. Tested under all kinds of Trees, Vegetables, Roses, Flowers and Shrubs," and (2) "BYCOLIFE is entirely NON-POISONOUS to red-blooded * * * animals. * * * Non-Burning and Non-Poisonous Plant Food," borne on the labels affixed to the cartons and bags in which said

product was packed, were false and misleading and served to deceive and mislead since they represented that the product contained insecticidal ingredients and when used as directed was of insecticidal value and that the product was nonpoisonous to red-blooded animals and was a nonburning or nonpoisonous plant food, whereas the product contained no insecticidal ingredients, when used as directed, had no insecticidal value, was not entirely nonpoisonous to red-blooded animals, and was not a nonburning or nonpoisonous plant food.

On August 30, 1949, the intervenors and respondents in the case having agreed that the condemnation of the product was warranted, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

4. Lack of registration and required information on label and misbranding of "Howco Brand Rat and Mouse Embalmer." U. S. v. 68 cans, more or less, of "Howco Brand Rat and Mouse Embalmer." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 7. I. D. No. 19862.)

The product "Howco Brand Rat and Mouse Embalmer" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the labels on the containers of the product did not bear a statement of the net weight or measure of the contents of the containers and an ingredient statement as required by the act.

On June 2, 1949, the United States Attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 68 cans, more or less, of "Howco Brand Rat and Mouse Embalmer" at Jacksonville, Fla., and alleging that the product was an economic poison which had been transported interstate, on or about February 25, 1949, by the Johnson Tire Supply Co., from Montgomery, Ala., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product failed to comply with the act in that the labels borne by the product did not bear a statement of net weight or measure of contents.

It was alleged that the product was misbranded within the meaning of the act in that the labels affixed to the containers of the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients.

On July 14, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

5. Lack of registration and misbranding of "Crude Naphthalene Flakes." U. S. v. 47 three and one-half-pound packages, more or less, of "Crude Naphthalene Flakes." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 11. I. D. No. 17767.)

The product "Crude Naphthalene Flakes" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the ingredient statement on the labels of the product did not appear on the front panels of the immediate containers of the product and the term "Inert Ingredients" in such statement was in smaller-sized type and was less prominent than the term "Active Ingredients"; that the net weight of the product was less than the 3½ pounds claimed on the labels, and that the product did not control fungus diseases as claimed on the label.

On June 8, 1949, the United States Attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 47 3½-pound packages, more or less, of "Crude Naphthalene Flakes," at Oregon City, Oreg., and alleging that the product was an economic poison which had been transported interstate on or about March 7, 1949, by the Kaufmann Seed Co., from Seattle, Wash., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded within the meaning of the act in that the statements: "Net Weight 3½ lbs. When Packed" and "CRUDE NAPHTHALENE FLAKES * * * WHEN STORING BULBS use one ounce to 100 bulbs placed in a box, or scatter over bulbs in trays, * * * protects the bulbs from fungus diseases during the storing season," borne on the labels

affixed to the containers of the product, were false and misleading and served to deceive and mislead, as the net weight of the product was less than 3½ pounds when packed and the product when used as directed would not control fungus diseases as claimed.

It was alleged that the product was further misbranded in that the ingredient statement appearing on the labels of the containers of the product did not appear on that part of the immediate containers (front panel) which was presented or displayed under customary conditions of purchase and the term "Inert Ingredients" appeared in smaller-sized type and was less prominent than the term "Active Ingredients."

On September 21, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

6. Lack of registration and required information on label and misbranding of "Rodent Control." U. S. v. 670 cartons, more or less, containing 12 cartridges each, of "Rodent Control." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 12. I. D. No. 17765.)

The product "Rodent Control" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the labels borne by the containers of the product did not bear a statement of net weight or measure of the contents of the containers and did not designate the active ingredients in the product as such; and that the labeling of the product bore false and misleading statements implying that the product was registered under the act.

On June 8, 1949, the United States Attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 670 cartons, more or less, containing 12 cartridges each, of "Rodent Control" at Salem, Oreg., and alleging that the product was an economic poison which had been transported interstate on or about August 27, 1948, by the Special Effects Manufacturing Co., from Glendale, Calif., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product further failed to comply with the act in that the labels, borne on the cartridges containing the product, did not bear a statement of net weight or measure of contents.

It was alleged that the product was misbranded within the meaning of said act in that the statement "Economic Poison registered No. 1102," borne on the labels affixed to the containers of the product, was false and misleading and served to deceive and mislead, as the statement implied that the product had been registered under the act, whereas it had not been so registered.

It was alleged that the product was further misbranded in that the active ingredients of the product were not so designated on the labels of the containers of the product.

On September 21, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

7. Lack of registration and misbranding of "Quick Action Lice Spray." U. S. v. 12 pints and 11 quarts, more or less, of "Quick Action Lice Spray." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 13. I. D. No. 16947.)

The product "Quick Action Lice Spray" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and an examination of the product showed that the labels on the containers of the product did not bear an ingredient statement as required by the act.

On June 10, 1949, the United States Attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 12 pints and 11 quarts, more or less, of "Quick Action Lice Spray" at Tucson, Ariz., and alleging that the product was an economic poison which had been transported interstate on or about November 17, 1948, by Cooke Laboratory Products, from Van Nuys, Calif., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded within the meaning of the act in that the labels affixed to the containers of the product did not bear an ingredient statement giving the name and percentage of each of the active in-

gredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients.

On August 13, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be released to the College of Agriculture of the University of Arizona, a public institution, for its use.

8. Lack of registration of "Cooke's Bug-Shot 40% Chlordane Emulsifiable." U. S. v. 16 four-ounce bottles, more or less, of "Cooke's Bug-Shot 40% Chlordane Emulsifiable." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 14. I. D. No. 16948.)

The product "Cooke's Bug-Shot 40% Chlordane Emulsifiable" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On June 10, 1949, the United States Attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure for condemnation and confiscation of 16 four-ounce bottles, more or less, of "Cooke's Bug-Shot 40% Chlordane Emulsifiable" at Tucson, Ariz., and alleging that the product was an economic poison which had been transported interstate on or about November 17, 1948, by Cooke Laboratory Products, from Van Nuys, Calif., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

On August 13, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be released to the Soil Conservation Service, United States Department of Agriculture, at Tucson, Ariz., a public institution, for its use.

9. Lack of registration and misbranding of "Cooke Bug-Shot 5% Chlordane Dusting Powder." U. S. v. 17 twelve-ounce packages, more or less, of "Cooke Bug-Shot 5% Chlordane Dusting Powder." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 15. I. D. No. 16949.)

The product "Cooke Bug-Shot 5% Chlordane Dusting Powder" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the net weight of the product was less than the 12 avoirdupois ounces claimed on the labels of the product.

On June 10, 1949, the United States Attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure for condemnation and confiscation of 17 twelve-ounce packages, more or less, of "Cooke Bug-Shot 5% Chlordane Dusting Powder," at Tucson, Ariz., and alleging that the product was an economic poison which had been transported interstate on or about November 17, 1948, by Cooke Laboratory Products, from Van Nuys, Calif., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded within the meaning of the act in that the statement "net weight 12 avoir ounces," borne on the labels affixed to the containers of the product, was false and misleading and served to deceive and mislead since the net weight of the product was less than 12 avoirdupois ounces.

On August 13, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be released to the Soil Conservation Service, United States Department of Agriculture, at Tucson, Ariz., a public institution, for its use.

10. Lack of registration of "Cooke's Tested Poultry Formulae X-10." U. S. v. 11 pints, more or less, of "Cooke's Tested Poultry Formulae X-10." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 16. I. D. No. 16950.)

The product "Cooke's Tested Poultry Formulae X-10" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On June 10, 1949, the United States Attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 11 pints, more or less, of "Cooke's Tested Poultry Formulae X-10," at Tucson, Ariz., and alleging that the product was an economic poison which had been transported interstate on or about November 17, 1948, by Cooke Laboratory Products, from Van Nuys, Calif., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

On August 13, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be released to the College of Agriculture, University of Arizona, a public institution, for its use.

11. Lack of registration of "Getz Theraseptic." U. S. v. 11 cartons, more or less, containing 12 ten-cc. vials of "Getz Theraseptic." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 17. I. D. No. 16381.)

The product "Getz Theraseptic" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On June 20, 1949, the United States Attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 11 cartons, more or less, containing 12 ten-cc. vials of "Getz Theraseptic" at Grand Rapids, Mich., and alleging that the product was an economic poison which had been transported interstate on or about November 29, 1948, by The William Getz Corp., from Chicago, Ill., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

On September 14, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

12. Lack of registration and required information on label and misbranding of "Gas Rodent Destroyer." U. S. v. 420 tubes, more or less, of "Gas Rodent Destroyer." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 18. I. D. No. 16360.)

The product "Gas Rodent Destroyer" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the labels borne by the containers of the product did not bear a statement of net weight or measure of the contents of the containers and did not bear an ingredient statement as required by the act.

On June 22, 1949, the United States Attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 420 tubes, more or less, of "Gas Rodent Destroyer" at Benton Harbor, Mich., and alleging that the product was an economic poison which had been transported interstate on or about April 9, 1949, by the Corn Belt Chemical Co., from Chicago, Ill., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product further failed to comply with the act in that the labels affixed to the tubes containing the product did not bear a statement of net weight or measure of the contents.

It was alleged that the product was misbranded within the meaning of the act in that the labels affixed to the tubes containing the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients.

On August 3, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be released to the Federal Correctional Institution, at Milan, Mich., for its use.

13. Lack of registration and required information on label and misbranding of "Abesto Chemical Termite Control." U. S. v. 11 gallons, more or less, of "Abesto Chemical Termite Control." Consent decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 20. I. D. No. 16386.)

The product "Abesto Chemical Termite Control" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the labels borne by the containers of the product did not bear a statement of net weight or measure of the contents of the containers and did not bear an ingredient statement as required by the act.

On June 24, 1949, the United States Attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court, a libel, praying seizure for condemnation and confiscation of 11 gallons, more or less, of "Abesto Chemical Termite Control" at Kalamazoo, Mich., and alleging that the product was an economic poison which had been trans-

ported interstate on or about April 20, 1949, by the Abesto Manufacturing Corp., from Michigan City, Ind., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product further failed to comply with the act in that the labels affixed to the containers of the product did not bear a statement of net weight or measure of the contents.

It was further alleged that the product was misbranded within the meaning of the act in that the labels affixed to the containers of the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients.

On July 20, 1949, with the consent of the owner of the product, a decree of condemnation and forfeiture was entered, and it was ordered that the product be released to the Federal Correctional Institution, at Milan, Mich., for its use.

14. Lack of registration of "Hylite Wall Paint . . ." U. S. v. 5 fifty-pound drums of "White Hylite Wall Paint," etc. Consent decree of condemnation and release under bond. (I. F. & R. No. 51. I. D. No. 20732.)

The product "Hylite Wall Paint," of various colors, was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On October 14, 1949, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 5 50-pound drums of "White Hylite Wall Paint," 35 five-pound packages of "White Hylite Wall Paint," 36 five-pound packages of "Ivory Hylite Wall Paint," 48 five-pound packages of "Robin's Egg Hylite Wall Paint," 48 five-pound packages of "Buff Hylite Wall Paint," 48 five-pound packages of "Rose Hylite Wall Paint," 48 five-pound packages of "Gray Hylite Wall Paint," 12 five-pound packages of "Peach Hylite Wall Paint," 48 five-pound packages of "Canary Hylite Wall Paint," 24 five-pound packages of "Green Hylite Wall Paint," and 12 five-pound packages of "Blue Hylite Wall Paint," more or less, at West Springfield, Mass., and alleging that the product was an economic poison which had been transported interstate on or about August 10, 1948, March 28, 1949, July 22, 1949, and August 25, 1949, by the Carbola Chemical Co., Inc., from Natural Bridge, N. Y., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

Carbola Chemical Co., Inc., a corporation, of Natural Bridge, N. Y., claimed ownership of the product, requested its release under bond for the purpose of bringing it into compliance with the act, and consented to the entry of a condemnation decree. On January 12, 1950, a decree of condemnation was entered and it was ordered that the product be released to the claimant under such bond.

15. Lack of registration and required information on label of "Walkerfume." U. S. v. 479 one-pint bottles, more or less, of "Walkerfume." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 21. I. D. No. 19869.)

The product "Walkerfume" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the product contained a substance in quantities highly toxic to man and that the labels borne by the containers of the product did not bear the word "POISON" printed in red.

On June 24, 1949, the United States Attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 479 one-pint bottles, more or less, of "Walkerfume" at Nashville, Ga., and alleging that the product was an economic poison which had been transported interstate on or about March 8, 1949, by the Walker Fertilizer Co., from Orlando, Fla., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product further failed to comply with the act in that the product contained a substance in quantities highly toxic to man, and the labels affixed to the bottles containing the product did not bear the word "POISON" printed in red.

On August 2, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

16. Lack of registration, misbranding, and adulteration of "Walker-Chlor 48-E All-Purpose Chlordane Insecticide." U. S. v. 23 one-pint bottles, more or less, of "Walker-Chlor 48-E All-Purpose Chlordane Insecticide." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 25. I. D. No. 19870.)

The product "Walker-Chlor 48-E All-Purpose Chlordane Insecticide" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the product contained less than the 48 percent of chlordane and less than the 1 pound per quart of technical chlordane claimed on the labels of the product, and that the claims made on the labels were otherwise false and misleading.

On June 27, 1949, the United States Attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 23 one-pint bottles, more or less, of "Walker-Chlor 48-E All-Purpose Chlordane Insecticide," at Nashville, Ga., and alleging that the product was an economic poison which had been transported interstate on or about March 8, 1949, by the Walker Fertilizer Co., from Orlando, Fla., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the labels of the product bore the following statements: "ACTIVE INGREDIENTS—Technical Chlordane * — 48% * * * ONE QUART OF WALKER-CHLOR 48-E CONTAINS ONE POUND OF TECHNICAL CHLORDANE" and "WALKER-CHLOR 48-E ALL-PURPOSE CHLORDANE INSECTICIDE FOR VEGETABLES * * * ANIMALS AND BUILDINGS * * * DIRECTIONS—AGRICULTURAL INSECTS: Walker-Chlor 48-E is effective against a wide range of crop insects, including mole crickets, army worms, cutworms, grasshoppers, various leaf-eating worms, aphids, leaf miners, thrips, stink bugs, squash bugs, chinch bugs, flea beetles, leafhoppers, Colorado potato beetle, ants, and certain other insects. Dilute 1 to 400 with water and thoroughly spray foliage. SEED BEDS or LAWNS can be either sprinkled or sprayed with this solution to control mole crickets, ants, cutworms, army worms and chinch bugs. * * * ANIMAL INSECTS: Walker-Chlor 48-E has shown superior killing power against ticks, lice, stable flies, horn flies, chiggers, fleas, ants, mosquitoes and certain other insects. Dip or spray animals (except cats and milk cows) in a 1 to 200 water dilution. For barns or surfaces spray with a 1 to 25 or 1 to 50 water dilution. HOUSEHOLD INSECTS: Walker-Chlor 48-E gives very effective, lasting control of resistant insects such as roaches, water bugs, bedbugs, fleas, ants and certain other insects. Dilute 1 to 25 or 1 to 50 with water and spray around baseboards, cracks, crevices, and insect run-ways." It was alleged that the product was misbranded in that such statements were false and misleading and served to deceive and mislead prospective purchasers, since they represented that the product contained not less than 48 percent chlordane and not less than 1 pound per quart of technical chlordane, that the product was an all-purpose insecticide, that when used as directed it would control the insects named, that it would not leave dangerous residues on food crops, and that it would not be injurious to cucurbit crops; whereas the product contained less than 48 percent of chlordane and less than 1 pound per quart of technical chlordane, was not an all-purpose insecticide, when used as directed would not control the insects named, would leave dangerous residues on food crops, and would be injurious to cucurbit crops.

It was alleged that the product was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold in that it contained less than the 48 percent of chlordane and less than the 1 pound per quart of technical chlordane claimed on the label.

On August 2, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

17. Lack of registration and required information on label and misbranding of "Makon's Arbortox '64.'" U. S. v. 11 quart bottles, more or less, of "Makon's Arbortox '64.'" Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 26. I. D. No. 17918.)

The product "Makon's Arbortox '64'" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the labels of the containers of the product did not bear a statement of net weight or measure of the contents of the containers, and that the

ingredient statement on the labels of the product did not appear on the part of the immediate containers which is presented or displayed under customary conditions of purchase.

On July 12, 1949, the United States Attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 11 quart bottles, more or less, of "Makon's Arbortox '64,'" at Chicago, Ill., and alleging that the product was an economic poison which had been transported interstate on or about April 30, 1949, by the Makon Chemicals, Inc., from Ann Arbor, Mich., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product further failed to comply with the act in that the labels of the containers of the product did not bear a statement of net weight or measure of the contents.

It was further alleged that the product was misbranded in that the ingredient statement appearing on the labels of the containers of the product did not appear on that part of the immediate containers which was presented or displayed under customary conditions of purchase.

On November 2, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

18. Lack of registration and misbranding of "Blitz Brand Contains 5% D. D. T." U. S. v. 54 one-quart bottles, more or less, of "Blitz Brand Contains 5% D. D. T." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 29. I. D. No. 20054.)

The product "Blitz Brand Contains 5% D. D. T." was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the labels on the containers of the product did not bear an ingredient statement as required by the act.

On July 15, 1949, the United States Attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 54 one-quart bottles, more or less, of "Blitz Brand Contains 5% D. D. T.," at San Augustine, Tex., and alleging that the product was an economic poison which had been transported interstate on or about April 4, 1949, by the Ocean Coffee Co., from Shreveport, La., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was further alleged that the product was misbranded in that the labels of the containers of the product did not bear an ingredient statement giving the correct name and percentage by weight of each of the active ingredients or an ingredient statement giving the correct names of each of the active ingredients in the descending order of the percentage of each present.

On November 10, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

19. Lack of registration and required information on label and misbranding of "Ocean Spray Insecticide * * * Contains 5% D. D. T." U. S. v. 47 one-quart bottles, and 96 one-pint bottles, more or less, of "Ocean Spray Insecticide * * * Contains 5% D. D. T." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 30. I. D. No. 20055.)

The product "Ocean Spray Insecticide * * * Contains 5% D. D. T." was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the labels borne by the containers of the product did not bear a statement of net weight or measure of the contents of the containers, and did not bear an ingredient statement as required by the act.

On July 14, 1949, the United States Attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 47 one-quart bottles, and 96 one-pint bottles, more or less, of "Ocean Spray Insecticide * * * Contains 5% D. D. T.," at San Augustine, Tex., and alleging that the product was an economic poison which had been transported interstate on or about April 4, 1949, by the Ocean Coffee Co., from Shreveport, La., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product failed to comply with the act in that the labels borne by the containers of the product did not bear a statement of net weight or measure of the contents.

It was further alleged that the product was misbranded in that the labels borne by the containers of the product did not bear an ingredient statement giving the correct name and percentage by weight of each of the active ingredients or an ingredient statement giving the correct names of each of the active ingredients in the descending order of the percentage of each present.

On November 10, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

20. Lack of registration and misbranding of "Shoo Spray." U. S. v. 2 fifty-five-gallon drums, more or less, of "Shoo Spray." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 31. I. D. No. 17479.)

The product "Shoo Spray" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. The labeling accompanying the product did not contain directions for use which are necessary and, if complied with, adequate for the protection of the public, and the labels borne by the containers of the product did not bear an ingredient statement as required by the act.

On August 4, 1949, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 2 fifty-five-gallon drums, more or less, of "Shoo Spray," at Washington, D. C., and alleging that the product was an economic poison which had been transported interstate on or about October 1, 1948, by The Mortemoth Co., from Milwaukee, Wis., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded in that the labels borne by the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients.

It was alleged that the product was further misbranded in that the labeling accompanying the product did not contain directions for use which are necessary and, if complied with, adequate for the protection of the public.

On October 26, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be delivered to the District of Columbia Jail for its use.

21. Lack of registration of "Kemco Insecticide Powder—Contains 10% D. D. T. Powder." U. S. v. 95 eight-ounce cartons, more or less, of "Kemco Insecticide Powder—Contains 10% D. D. T. Powder." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 32. I. D. No. 17925.)

The product "Kemco Insecticide Powder—Contains 10% D. D. T. Powder" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On July 19, 1949, the United States Attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 95 eight-ounce cartons, more or less, of "Kemco Insecticide Powder—Contains 10% D. D. T. Powder," at Hammond, Ind., and alleging that the product was an economic poison which had been transported interstate on or about March 31, 1949, by the Illinois Chemical Products Co., from Chicago, Ill., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

On September 15, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

22. Lack of registration and misbranding of "Pixite Concentrated Litter Spray." U. S. v. 71 pint bottles, more or less, of "Pixite Concentrated Litter Spray." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 37. I. D. No. 17927.)

The product "Pixite Concentrated Litter Spray" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act. An examination of the product showed that the labels borne by the containers of the product did not bear an ingredient statement as required by the act.

On August 4, 1949, the United States Attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 71 pint bottles, more or less, of "Pixite Concentrated Litter Spray," at Bloomington, Ill., and alleging that the product was an economic poison which had been transported interstate on or about April 15, 1949, by the Columbus Vaccine Co., from Columbus, Ohio, in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded in that the labels borne by the containers of the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the names of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients.

On December 6, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

23. Lack of registration and misbranding of "Lantu Rodenticide." U. S. v. 2 five-pound packages, 36 three-ounce packages, 36 six-ounce packages, and 68 eight-ounce packages, more or less, of "Lantu Rodenticide." Consent decree of condemnation and release under bond. (I. F. & R. No. 40. I. D. No. 18968.)

The product "Lantu Rodenticide" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and an examination of the product showed that the labels on the containers of the product did not bear an ingredient statement as required by the act.

On August 16, 1949, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 2 five-pound packages, 36 three-ounce packages, 36 six-ounce packages, and 68 eight-ounce packages, more or less, of "Lantu Rodenticide," at Boston, Mass., and alleging that the product was an economic poison which had been transported interstate on or about May 23, 1949, and June 15, 1949, by Laconia Laboratories, from Laconia, N. H., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded in that the labels borne by the containers of the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the name of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients.

Laconia Laboratories, of Laconia, N. H., claimed ownership of the product, requested its release under cash bond for the purpose of bringing the product into compliance with the act, and consented to the entry of a condemnation decree. On December 6, 1949, a decree of condemnation was entered, and it was ordered that the condemned product be released to the claimant under such bond.

24. Lack of registration and misbranding of "Pineated Lime Deodorizer, Disinfectant and Mild Germicide." U. S. v. 335 one-pound packages, more or less, of "Pineated Lime Deodorizer, Disinfectant and Mild Germicide." Default decree of condemnation, forfeiture, and destruction. (I. F. & R. No. 41. I. D. No. 18965.)

The product "Pineated Lime Deodorizer, Disinfectant and Mild Germicide" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act, and an examination of the product showed that the labels on the containers of the product did not bear an ingredient statement as required by the act.

On August 17, 1949, the United States Attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 335 one-pound packages, more or less, of "Pineated Lime Deodorizer, Disinfectant and Mild Germicide," at Bangor, Maine, and alleging that the product was an economic poison which had been transported interstate on or about January 28, 1949, by Pineated Products Corp. from Adams, Mass., in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

It was alleged that the product was misbranded in that the labels of the containers of the product did not bear an ingredient statement giving the name and percentage of each of the active ingredients, together with the total percentage of the inert ingredients, or an ingredient statement giving the name of each of the active and each of the inert ingredients in the descending order of the percentage of each present in each classification, together with the total percentage of the inert ingredients.

On November 21, 1949, no claimant having appeared, a decree of condemnation and forfeiture was entered, and it was ordered that the product be delivered to St. Joseph's Hospital, Bangor, Maine, for its use.

25. Lack of registration of "MPG No. 2 D. D. T. Potato Dust," U. S. v. 200 fifty-pound bags, more or less, of "MPG No. 2 D. D. T. Potato Dust." Consent decree of condemnation and release under bond. (I. F. & R. No. 43. I. D. No. 18971.)

The product "MPG No. 2 D. D. T. Potato Dust" was not registered under the Federal Insecticide, Fungicide, and Rodenticide Act.

On August 26, 1949, the United States Attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel, praying seizure for condemnation and confiscation of 200 fifty-pound bags, more or less, of "MPG No. 2 D. D. T. Potato Dust," at Concord, N. H., and alleging that the product was an economic poison which had been transported interstate on or about August 9, 1949, by Maine Potato Growers, Inc., from Presque Isle, Maine, in violation of the act.

It was alleged that the product was not registered with the Secretary of Agriculture as required by section 4 of the act.

Merrimack Farmers' Exchange, Inc., of Concord, N. H., claimed ownership of the product and requested its release under bond pursuant to the act and consented to the entry of a condemnation decree. On October 28, 1949, a decree of condemnation was entered and it was ordered that the condemned product be released to the claimant under such bond for the purpose of bringing the product into compliance with the act.

INDEX TO NOTICES OF JUDGMENT 1-25

	N. J. No.		N. J. No.
Abesto Chemical Termite Control:		Makou's Arbortox "64":	
Abesto Manufacturing Corp.	13	Makon Chemicals, Inc.	17
Blitz Brand Contains 5% D. D. T.:		MPG No. 2 D. D. T. Potato Dust:	
Ocean Coffee Co.	18	Maine Potato Growers, Inc.	25
Cooke Bug-Shot 5% Chlordane Dusting Powder:		Merrimack Farmers' Exchange, Inc.	25
Cooke Laboratory Products.	9	Ocean Spray Insecticide * * * Contains 5% D. D. T.:	
Cooke's Bug-Shot 40% Chlordane Emulsifiable:		Ocean Coffee Co.	19
Cooke Laboratory Products.	8	Pilgrim Odo-Wick:	
Cooke's Tested Poultry Formulae X-10:		Pilgrim Odo Wick Co.	2
Cooke Laboratory Products.	10	Pineated Lime Deodorizer Disinfectant and Mild Germicide:	
Crude Naphthalene Flakes:		Pineated Products Corp.	24
Kaufmann Seed Co.	5	Pixite Concentrated Litter Spray:	
Gas Rodent Destroyer:		Columbus Vaccine Co.	22
Corn Belt Chemical Co.	12	Quick Action Lice Spray:	
Getz Therapeutic:		Cooke Laboratory Products.	7
The William Getz Corp.	11	Rodent Control:	
Howco Brand Rat and Mouse Emulmer:		Special Effects Manufacturing Co.	6
Johnson Tire Supply Co.	4	Shoo Spray:	
Hyllite Wall Paint:		The Mortemoth Co.	20
Carbola Chemical Co., Inc.	14	Velo Brand Rat Paste:	
Insecticided Bycolife Fertilizer:		Velod nt Products Manufacturing Co., Inc.	1
Bycolife Fertilizer Manufacturing Co.	3	Walker-Chlor 48-E All-Purpose Chlordane Insecticide:	
Kemco Insecticide Powder—Contains 10% D. D. T. Powder:		Walker Fertilizer Co.	16
Illinois Chemical Products Co.	21	Walkerfume:	
Lantu Rodenticide:		Walker Fertilizer Co.	15
Laconia Laboratories.	23		